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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Center for Biological Diversity, et al.,

No. CV-24-00141-TUC-RM

10 Plaintiffs,

ORDER

11 v.

12 United States Bureau of Land Management
13 and United States Fish and Wildlife
Service,

14 Defendants.
15

16 Pending before the Court is the parties' Joint Motion for Partial Stay of
17 Proceedings. (Doc. 15.) For the following reasons, the Motion will be granted.

18 In their Amended Complaint, Plaintiffs assert five claims against the U.S. Bureau
19 of Land Management ("BLM") and the U.S. Fish and Wildlife Service ("FWS") for
20 violations of the Endangered Species Act ("ESA") arising from the authorization of
21 livestock grazing on public allotments within the Agua Fria National Monument. (Doc.
22 14.) The four allotments referenced in Plaintiffs' third, fourth, and fifth claims are
23 currently subject to reinitiated consultation between BLM and FWS in compliance with
24 Section 7(a)(2) of the ESA. (Doc. 15 at 2-3.)¹ This consultation is anticipated to be
25 completed by April 15, 2025. (*Id.* at 3; Doc. 15-1.)

26 In their Joint Motion for Partial Stay of Proceedings, the parties request a stay of

27 ¹ Under Section 7(a)(2) of the ESA, federal agencies must work with expert wildlife
28 agencies to ensure that "any action authorized, funded, or carried out by such agency"
does not threaten the survival of endangered or threatened species or harm their
designated critical habitats. 16 U.S.C. § 1536(a)(2), (4).

1 Plaintiffs’ third, fourth, and fifth claims until April 30, 2025, or until the consultation is
 2 completed, whichever occurs first, in order to allow BLM and FWS to complete their
 3 consultation. (Doc. 15.) The parties state that they will proceed with litigating Plaintiffs’
 4 first and second claims during this period. (*Id.*)

5 “[T]he power to stay proceedings is incidental to the power inherent in every court
 6 to control the disposition of the causes on its docket with economy of time and effort for
 7 itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). In
 8 evaluating whether to stay proceedings, a court must weigh “the competing interests
 9 which will be affected,” including:

10 the possible damage which may result from the granting of a stay, the
 11 hardship or inequity which a party may suffer in being required to go
 12 forward, and the orderly course of justice measured in terms of the
 simplifying or complicating of issues, proof, and questions of law which
 could be expected to result from a stay.

13 *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). “A stay should not be granted
 14 unless it appears likely the other proceedings will be concluded within a reasonable time
 15 in relation to the urgency of the claims presented to the court.” *Leyva v. Certified*
 16 *Grocers of California, Ltd.*, 593 F.2d 857, 864 (9th Cir. 1979).

17 Having reviewed the Joint Motion, the Court finds that a limited stay of
 18 proceedings on claims three, four, and five is warranted. The requested stay is narrowly
 19 tailored and will not unfairly prejudice Plaintiffs, who can continue to pursue their first
 20 and second claims. Additionally, the parties assert that maintaining the status quo on the
 21 four allotments at issue during the consultation period will not result in harm. Granting
 22 the requested stay will also further judicial efficiency. As the parties point out, Plaintiffs
 23 have presented claims related to BLM’s failure to reinitiate and complete consultation
 24 concerning the four specified allotments. Thus, allowing Defendants to finalize
 25 consultation will likely clarify or resolve issues related to claims three, four, and five;
 26 narrow the scope of litigation; and reduce the need for further Court involvement.
 27 Because staying claims three, four, and five will serve the interests of justice and judicial
 28 efficiency, the Court will grant the parties’ requested stay.

